

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5177 OF 2004

Sayed Amrali Nawab Kharullakhan ..
Petitioner.

Vs.

Bhiwandi Nizampura Municipal Corporation & Ors. ..
Respondents.

....

Mr. V.G. Ghosalkar for the petitioner.
Mr. Killedar h/f Mr. Nitin Jamdar for respondent Nos.1 and 2.

....

**CORAM : S. RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.**

23rd November, 2004.

P.C. :

Rule, made returnable forthwith. Learned counsel for respondent Nos.1 and 2 waives service. Heard learned counsel for the petitioner and for respondent Nos.1 and 2. By consent taken up for hearing and final disposal. In view of the limited relief which we are inclined to grant, the presence of respondent No.3 is not necessary.

2. It appears that the petitioner has complained to respondent No.2 by a letter dated 7th July, 2003 that there are certain illegal structures erected by respondent No.3 without prior permission.

The said complaint was not attended. In the aforesaid facts and circumstances of the case, we direct respondent No.2 to decide the said complaint dated 7th July, 2003 after affording an opportunity of hearing to the petitioner and respondent No.3, by a speaking order, as expeditiously as possible preferably on or before 28th February, 2005.

Rule is made absolute in the aforesaid terms.

S.RADHAKRISHNAN, J.

DR.D.Y.CHANDRACHUD,

J.